

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JASON WOLFORD; ALISON
WOLFORD; ATOM KASPRZYCKI;
HAWAII FIREARMS COALITION,

Plaintiffs,

v.

ANNE E. LOPEZ, in her official
capacity as Attorney General of the
State of Hawai'i; MAUI COUNTY,

Defendants.

Civil No. 1:23-cv-00265-LEK-WRP

DECLARATION OF TERENCE YOUNG

I, Terence Young, declare under penalty of perjury that the following is true and correct:

1. Since fall 2020, I have been Emeritus Professor of Geography in the Department of Geography & Anthropology, California Polytechnic State University, Pomona.

2. I was an Assistant, Associate, and full Professor of Geography, Department of Geography & Anthropology, California Polytechnic State University, Pomona between fall 2002 and spring 2020. During the same period, I was also an adjunct in the university's Regenerative Studies program. Before fall

2002, I held academic positions as a geographer at California State University, Long Beach, University of Southern California, UCLA, Clemson University, George Washington University, and Mary Washington University. In 1996-1997, I was Acting Director of Studies in Landscape Architecture, Dumbarton Oaks Library and Research Center, Harvard University, Washington, DC.

3. I earned a Bachelor of Arts in Anthropology at UC Berkeley (1973), a Master of Arts in Geography at UCLA (1987), and a Ph.D. in Geography at UCLA (1991).¹

4. As a scholar, I have studied the history and historical geography of the American park movement, including from its earliest years, the meanings, purposes, developments, designs, and usages of various types of protected areas since I began work on my doctoral degree in fall 1987. In my professional capacity, I authored award-winning scholarly books, book chapters, and journal articles concerning American protected areas and the American park movement. These publications have been cited by authors in multiple disciplines, including history, geography, anthropology, natural resources management, and more.

5. I am aware of this lawsuit, have reviewed the Complaint (“Complaint”) filed by Jason Wolford, Alison Wolford, Atom Kasprzycki, and the

¹ For a full CV, please see Exhibit 1 to this Declaration.

Hawaii Firearms Coalition (“Plaintiffs”) in this matter, and am familiar with the claims and allegations of the Complaint.

6. I am being compensated for services performed in the above-entitled case at an hourly rate of \$200 for reviewing materials and preparing reports; and \$400 per hour for depositions and court appearances. My compensation is not contingent on the results of my analysis or the substance of any testimony.

7. The testimony in this Declaration is based upon a combination of my professional training, research, and work experiences in my various academic roles, and upon my personal review of relevant documents, rules, regulations, and historical sources of information regarding the public parks and forests. Any information in this Declaration that I obtained from those outside sources is consistent with my own understanding.

Overview of Opinions

8. When the American park movement launched in the 1850s, it drew on the idea that American urban society was flawed and that urban parks could repair and reform it. Specifically, urban parks would foster a healthier, wealthier, more democratic, and less criminal urban society. Backed by a Romantic ideology, this social transformation occurred because parks contained natural scenery, which when quietly and passively contemplated, was thought to improve someone’s mind and body, and thus society. Any features or actions in a park that interfered with

natural scenery contemplation were excluded from a park. In keeping with a park's purpose and its function as a society-improving device, firearms were specifically prohibited.

9. Near the end of the nineteenth century, a rationalistic ideology joined the earlier Romantic one. The new ideology emphasized such active recreation in parks as baseball and bicycling because these were also thought to lead to a healthier, wealthier, more democratic and less criminal society. However, the new ideology did not eliminate the passive contemplation of natural scenery. Instead, urban parks were re-designed to provide separate spaces for active play and for quiet contemplation. These two uses of public urban parks continue to this day, each with its own spaces.

10. In the late nineteenth and early twentieth centuries, America's natural national parks were also created to protect landscape of natural scenery. Like their urban counterparts, they were romantic places for quiet and passive contemplation in order to improve urban society. Later, national parks also became places for active recreation, but it was never as important as in the urban parks. Today's national parks remain places for the contemplation of natural scenery and for active play.

11. At roughly the same time that national parks were being created, state parks appeared. Like urban and national parks, they were protected to be places for contemplating natural scenery and for active play. They remain so to this day.

Growth of the Nineteenth Century Parks Movement

Urban Parks

12. The development of the American park system and the park movement evolved over decades and centuries in response to existing societal concerns and circumstances.

13. English colonial settlements typically centered on a small communal area, which might include a “green” and a meeting house. On the outskirts of the settlement, a larger, otherwise unusable tract of land would be set aside as a town common, but *not* as a park in the modern sense. Instead, commons were undesigned spaces that all a settlement’s residents could use for such activities as animal grazing or military drills. The Boston Common began in this fashion. A 1775 map of Boston identifies the Commons and locations within it for an artillery battery, marine barracks, and a burying ground. In addition to this regular urban pattern, at least one notable variant emerged in Philadelphia, PA and Savannah, GA. In lieu of a small central space and a larger marginal space, these settlements included public squares distributed among private residential lots, but again they

were not modern parks because they were undesigned and used for such public urban activities as military drills (Pregill and Volkman, 1999; Page, 1775).

14. The colonial situation continued largely unchanged into the early American Republic. During the early American Republic, dedicated greenspaces in urban areas were limited and, where they existed, they did not exceed three square miles. The early American greenspaces usually took the form of public squares in places like Philadelphia and Savannah or commons agricultural spaces like the Boston Common. Urban public spaces remained scarce and limited to small, undesigned squares and commons while such cities as Boston, Philadelphia, and New York developed as economic institutions dedicated to commerce. These growing agglomerations were necessarily compact, usually about three square miles, densely built, and crowded.

15. The notion that such swelling cities needed larger greenspaces began in the pre-Civil War years as increasing numbers of Americans concluded the existing open spaces were inadequate. These initial urban greenspace proponents embraced the “rural” cemeteries that first appeared on the margins of cities during the 1830s. The most celebrated of these was Mt. Auburn Cemetery in Boston, which was launched in 1831. These sites had designed sections that included naturalistic scenery, but they were not parks in the modern sense. Rather, they were didactic landscapes containing monuments with moral lessons. Moreover,

they were owned and managed by private, non-profit organizations and often too far from city centers to be accessible to working people (Schuyler, 1986; Linden-Ward, 1989).

16. The creation of large urban parks began at this time and in these locations for cultural reasons that go back to the early Republic when a national mistrust of and suspicion about urban life was prevalent. Thomas Jefferson, for example, had argued in 1787's *Notes on the State of Virginia* that the ideal society would flourish where the economy was agricultural and the settlements small and dispersed. Invoking a geographic contrast, Jefferson promulgated a valorized rural-urban imaginary that regarded the former as healthy and positive while casting the latter as damaging and negative. Farmers, he insisted, were the backbone of America. "Those who labor in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposite (sic) for substantial and genuine virtue." Manufacturing and cities, in contrast, were sources of vice. Drawing a particularly repulsive word picture, Jefferson suggested that "The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body." The roots of the republican nation, urged Jefferson, lay in the rejection of urban life (Jefferson, 1829, 171-173; Young, 2022).

17. Until the middle of the Nineteenth Century, the vast majority of Americans lived in rural settings, but in the pre-Civil War years, industrialization increased rapidly, surface transportation encouraged urban spreading, and cities grew in area and population numbers. This concentration of people accentuated social problems, making them more obvious to more people. Cities became increasingly perceived as socially degraded places in contrast to virtuous rural America. In line with this perception, cities were condemned as unhealthy, impoverished, undemocratic, and crime ridden. A range of solutions were proposed to remedy these urban vices (Boyer, 1978), including municipal parks. In a large park, urban residents could “retreat” from the city to be back in touch with nature, which would lead to social reform and improvement. Parks, proponents and supporters argued, would produce a virtuous society characterized by health, wealth, equality, and little crime (Young, 2004).

18. As cities developed into primary engines of commerce in the American economy their populations necessarily grew. For example, from 1830 to 1860, the population of New Haven grew from 10,000 to 39,000, Boston from 61,000 to 178,000, Philadelphia from 80,000 to 566,000, and New York from 203,000 to 814,000.

19. The modern public park and greenspace movement that would generate urban, regional, state, and national protected areas was born in the 1840s

and 1850s when proponents applied the lessons of cemeteries to argue for large public parks areas in America's cities. At first, a handful of existing urban spaces, for instance, the Fairmount Gardens that surrounded Philadelphia's waterworks, were opened to the public and "ornamented ...with a degree of taste and elegance" (Schuyler, 1986, 102). Nonetheless, the turning point arrived in 1857-1858 when New York City held a design competition for its new Central Park, which Frederick Law Olmsted and Calvert Vaux won, and that park's development began. The first major protected area in the modern American public park movement, New York's Central Park would become a model for many subsequent urban parks. Before the Nineteenth Century ended, America's best-known urban parks had appeared, including Boston's Franklin Park, Brooklyn's Prospect Park, Philadelphia's Fairmount Park, Chicago's Washington and Jackson Parks, San Francisco's Golden Gate Park, Los Angeles's Griffith Park, and San Diego's Balboa Park. The initiation and development of each park was unique, but they occurred where supported by a significant portion of the population, were all relatively large in area, generally over 500 acres, and shared a common purpose – the improvement of American society (Schuyler, 1986; Young, 2004).

20. Park proponents and supporters were more environmentally deterministic than we are today. They believed that society's characteristics were strongly shaped by its physical environments. Urban environments of noise,

traffic, pollution, crowding, and ugly buildings led to a vicious society, while an urban park's "natural" environment, in contrast, would lead to a virtuous one. For example, according to an 1867 Newark, New Jersey park report, a park was designed to produce "a certain [positive] effect upon the mind and the character of those who approach it" (Schuyler and Turner Censer, 1992, 211). Forty years later, a City Beautiful leader, Charles Mulford Robinson, made a similar link between society and its surroundings. "Social problems are to a large degree problems of the environment." Create parks where adults and children can find "brightness, entertainment, and fellowship without throwing them into temptation... and many of sociology's hardest problems will be solved" (Robinson, 1909, 245). Urban vice did not occur because society was evil by nature but because its members were out of touch with nature, a source of goodness. Public urban parks were devices for social reform. They succeeded best where features common to urban environments and urban ways of life were excluded (Young, 2004).

21. New York's Central Park was the first major attempt to achieve this goal and was based on an 1858 design by Frederick Law Olmsted and Calvert Vaux. Before the Nineteenth Century ended, America's best-known urban parks had appeared, including Boston's Franklin Park, Brooklyn's Prospect Park, Philadelphia's Fairmount Park, Chicago's Washington and Jackson Parks, San

Francisco's Golden Gate Park, Los Angeles's Griffith Park, and San Diego's Balboa Park. The initiation and development of each park was unique, but they occurred where supported by a significant portion of the population, were all relatively large in area, generally over 500 acres, and shared a common purpose – the improvement of American society (Schuyler, 1986; Young, 2004).

22. The foundation for the ideology of the early urban park proponents and supporters lies in Romanticism and the Romantic Movement. While the philosophy and movement had diverse expressions, it can be broadly recognized by a rejection of rationalism, a regard for history and a focus on perception and beauty, particularly that of nature. Moreover, the movement embraced the belief that a group of people's character or nationality grew organically and emerged over a long period of time. In addition, Romanticism contributed to the growth of democracies, to a belief in progress and to the more open societies that are common features of modern life (Barzun 1961). Romantic park supporters, like many contemporary artists and scientists (Novak 1995), saw nature as an interrelated world of mind, body, and being, an organic whole that included God, people, and the physical world. Social problems resulted from the physical disjunction that developed between nature and people in any city large enough to be dominated by streets and buildings. Ignoring the benefits from urban life, they viewed the city as a dangerous environmental aberration that could lead to the

dissolution of society. Parks were the necessary corrective because they brought nature, which was God's handiwork, balanced and inherently good, back into cities. As the minister Henry Ward Beecher enunciated in 1869, for "the multitude," natural beauty was a gift of God "without price." It could "confer pleasure and profit from merely the looking at it" (Beecher, 281-284).

23. Nature was not a simple, unconsidered object in this era. Park designers and their supporters believed it could occur in three landscape art categories or "genres" on park landscapes: the "Beautiful" (also called the "Pastoral" by Frederick Law Olmsted), the "Picturesque," and the "Sublime." Each was yoked to a set of unique attributes. Smallness, roundness, smoothness, delicacy, and color best captured the Beautiful, making it the preferred genre for parks with extensive lawns or water features bordered by shrubs and trees. The Sublime countered the Beautiful, being linked to terror, obscurity, difficulty, power, vastness, majesty, and infinity, but it remained beyond the ability of urban park designers because their landscapes were too restricted to create it. However, it informed the selection of and lay behind the drive for national parks. The Picturesque mediated the two extremes, expressing the pleasure gained by abrupt, unexpected, or rude forms and textures, as well as the roughness that could exist at any scale. Many large urban parks incorporated picturesque elements as a

stimulating contrast to beautiful ones, but picturesque rarely dominated (Novak, 1995; Young 2004).

24. And, like some landscape scene in a painting, a municipal park's "naturalistic" landscape was intended to support only pastoral and picturesque activities. As built, large urban parks were places for "passive recreation," which meant sitting, strolling, slow horse riding, and other quiet activities while contemplating the scenery. Activities that were fast moving, active, boisterous, or worse ran counter to a park's purpose. In support of these aesthetics, Parade Grounds were isolated from the park proper in both Olmsted and Vaux's Prospect Park and in Olmsted's unbuilt 1866 plan for San Francisco (Graff 1985; Young 2018). Places for military exercises and displays, Parade Grounds were spaces "for citizens to demonstrate their commitment to defense of their government" (Rosenzweig and Blackmar, 1992, 143). According to Olmsted (1990b, 532), these places were necessary, but they should not conflict with "the safety or the quiet of those not interested in them." That is, a park's visitors. Consequently, Parade Grounds were closed off or moved away from a park proper. They were, argued Schuyler (1986, 131), "locations for functions that, while essential in a city, would be antithetical to the tranquility of a naturalistic landscape."

25. Moreover, in March 1858, one month before Central Park's first Commissioners (1858, 166) awarded a plan for the new park, they adopted a set of

rules and regulations that forbade “all persons” from carrying “fire-arms” in the park. Aligned with these rules and regulations, and as a practical matter, they also created a force of Park Keepers in 1859 to control activities deemed inappropriate. “A woods shared by ‘thousands’ demanded a different kind of care than woods visited by a few,” noted David Thacher before quoting the New York Times of February 21, 1859: “Nature in the neighborhood of large towns needs rules and regulations to enable her to do herself justice, just as certainly as in the country she does better without them” (Thacher, 2015, 591). Proponents and supporters of large urban parks understood that the heavy use of the nature in a park that would result from its being easily accessible necessarily mandated rules and regulations to control and direct visitors in order to allow nature to reform society.

26. Beginning in the 1880s and 1890s, an increasing number of American urban park advocates and supporters embraced a new rationale for municipal parks, what I term “rationalistic” parks. American cities continued to be plagued by poverty, disease, undemocratic acts, and crime, but these new park proponents did not abandon the idea of urban social improvement through parks. Instead, they stepped back from the romantic idea that scenic park landscapes alone reformed society and embraced a more Darwinian and mechanistic view of nature. As their perspective grew in importance, the value of nature contemplation somewhat retreated, and parks were re-imagined as favored settings for organized play and

other leisure-time activities. Flower gardens, museums, baseball diamonds, and children's playgrounds became common parks features as rationalistic park proponents pursued their formula for encouraging the good society. These advocates saw romantically designed parks as underdeveloped rather than mis-designed, so they did not seek to remove and replace the features of romantic-era parks. Instead, they wished to share space in the large parks by introducing the features they believed would reform society. In addition, municipal park authorities created numerous, generally smaller greenspaces throughout cities in order to bring the reforming abilities of parks into neighborhoods. Visitors would no longer have to travel long distances to the large parks. These small parks utilized both romantic and rationalistic characteristics and were more tools in the effort to improve urban society (Young, 2004).

27. Today, the romantic and rationalistic ideals still thrive in America's urban parks.

28. At no point did my research reveal any evidence that supported the passive carrying of firearms for self-defense in these urban parks. Such encouragement would have been inconsistent with romantic and rationalistic ideals and antithetical to the social purpose of urban parks as promoted by those ideals.

National Parks

29. The emergence and development of America's national parks followed an ideological arc quite similar to urban parks and for much the same purpose – the improvement of American society. Like urban parks, national park advocates and supporters initially embraced Romanticism. The creation of American national parks and state parks (see below) began in 1864 when President Lincoln signed legislation ceding the Yosemite Valley and Mariposa Big Tree Grove to the state of California for “public use, resort, and recreation; [and] inalienable for all time” (Dilsaver, 2016a, 4). Frederick Law Olmsted, who lived in California at the time, was appointed a commissioner on the new park's board and supervised the creation of the report for its administration. In addition to this “skillful” plan for the park's administration, “he advocated a policy of establishing national parks across the nation and laid the foundation for our current national park system” (Freeman, 1989, 172).

30. For Olmsted, the creation of national parks was not a gift but a duty. “It is the main duty of government, if it is not the sole duty of government, to provide means of protection for all its citizens in the pursuit of happiness” (Olmsted, 1990a, 502). Where Romantic urban parks had employed the Beautiful and the Picturesque, California's Yosemite Park improved society through a blend of the Beautiful and the Sublime. The new park was, argued Olmsted, a “union of the deepest sublimity with the deepest beauty of nature, not in one feature or

another, not in one part or one scene or another, not any landscape that can be framed by itself, but all around and wherever the visitor goes, constitutes the Yosemite the greatest glory of nature” (Olmsted, 1990a, 500). Immersed in the park’s natural beauty, visitors were improved through passive interaction with the scenery. “[T]he enjoyment of scenery,” stated Olmsted, “employs the mind without fatigue and yet exercises it, tranquilizes it and yet enlivens it; and thus, through the influence of the mind over the body, gives the effect of refreshing rest and reinvigoration to the whole system” (Olmsted, 1990a, 504). Consequently, Olmsted thought the principal duty of the park’s commissioners was “to give every advantage practicable to the mass of the people to benefit by that which is peculiar to this ground” (Olmsted, 1990a, 506). At the same time, he cautioned that constraints had to be applied to the “mass” of visitors in order for the park to benefit society both in the present and in the future. “[I]t should be remembered that in permitting the sacrifice of anything that would be of the slightest value to future visitors to the convenience, bad taste, playfulness, carelessness, or wanton destructiveness of present visitors, we probably yield in each case the interest of uncounted millions to the selfishness of a few individuals” (Olmsted, 1990a, 507). Finally, he pointed to the uniqueness that had “caused Congress to treat [Yosemite Valley and Mariposa Big Tree Grove] differently from other parts of the public

domain” and to that which would guide the creation of subsequent national parks.

“This peculiarity consists wholly in its natural scenery” (Olmsted, 1990a, 506).

31. In less than a decade, the first, officially designated “national park” was created in 1872: Yellowstone. A large, protected area of approximately 2.2 million acres, its origin lay in the Romantic path of scenery identified by Olmsted. “Yellowstone’s awesome natural phenomena had inspired a political phenomenon” (Sellars, 1997, 7). In the authorizing act, the park was “hereby reserved and withdrawn from settlement, occupancy or sale... and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people.” Placed under the Interior Secretary, the act directed the Secretary “to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same.” Among these, the Secretary “shall provide against the wanton destruction of the fish and game found within said park” and he “generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act” (Dilsaver, 2016b, 20-21). Over the next 40 years, Congress and the President designated (and sometimes transferred) numerous natural preserves under federal jurisdiction, including Sequoia, Yosemite, Mount Rainier, Glacier, and Rocky Mountain National Parks. Like the original Yosemite cession and Yellowstone National Park, these subsequent parks were large, relatively distant from most of America’s

population because they were out west while the people were back east, and “preserved largely for their aesthetic qualities,” which like urban parks, were thought to improve society (Mackintosh, 2005, 14).

32. The rationalistic rationale began to inform national park features and usage toward the end of the Nineteenth and the beginning of the Twentieth Centuries. As the public, which increasingly lived in America’s cities, came to expect urban parks to be both scenic and places for museums, bicycling, and other forms of active play, they also came to see county, state, and national parks as serving the same purpose. Consequently, Interior Secretary Franklin K. Lane (Dilsaver, 2016c, 37) instructed National Park Service Director Stephen T. Mather that “All outdoor sports which may be maintained consistently with the observation of the safeguards thrown around the national parks be law will be heartily endorsed and aided wherever possible. Mountain climbing, horseback riding, walking, motoring, swimming, boating, and fishing will ever be the favorite sports. Wintersports will be developed in the parks that are accessible throughout the year.” In contrast, however, “Hunting will not be permitted in any national park.”

33. The American Civic Association (ACA), a private, eastern-based organization that had originated in the nineteenth century and promoted the creation of all parks as social reforming devices, incorporated all types of parks—

municipal, county, state, or national—in their reform agenda because they believed that any given park comprised the local expression of a more durable concept, that all parks were socially impactful when they shared three important features: nature, scenery, and play, which when combined properly, created the ideal of the park. According to the ACA’s president, J. Horace McFarland (1912, 3), this park performed a valuable social function; it “act[s] immediately and favorably on the health and the orderliness of the community, and consequently increase[s] materially the average of individual efficiency. In other words, they pay dividends in humanity.” That is, such parks at every geographic scale reformed a rapidly urbanizing America. National parks, like urban parks, would foster a virtuous society characterized by health and wealth. The ACA further claimed that national parks would foster democracy and patriotism among Americans (Young, 1996).

34. Today, the same rationales applicable to urban parks guide the public’s expectations and inform the actions of national park proponents and supporters.

35. Again, at no point in my research did I discover any evidence of support for the passive carrying of firearms for self-defense in national parks. Such encouragement would have been inconsistent with romantic and rationalistic ideals and antithetical to the social purpose of national parks as promoted by those ideals.

State Parks

36. America's state parks today appear in every state and in types that vary from state to state and sometimes even within a single state. The history of their designation and development reveals a halting and uneven pattern, but it nonetheless followed the same ideological arc that guided the unfolding of urban and national parks, and for much the same purpose – the improvement of society. Like national park advocates and supporters, state park activists thought striking scenic places would lead to a society that was healthier, wealthier, more democratic and more socially coherent.

37. Before California eventually returned Yosemite valley and grove to the federal government in 1906 for inclusion in Yosemite National Park, it had inspired such scenic state parks as Palisades and Watkins Glen in New York and Mount Mitchell in North Carolina, as well as “sites uniquely worth preserving” in Connecticut, Indiana, Iowa, and Wisconsin (Cutler, 1989, 195). Most state parks, however, did not appear until the Twentieth Century when, as J. Horace McFarland (1910, 9) noted, they came to be seen as the logical extension between city or county parks and national parks. “If, when a natural wonder is found to be of national importance and to need national protection, it may properly be controlled by the nation, surely a location or opportunity too large for local or municipal control may as properly be controlled by the state.” During the first quarter of the

Twentieth Century, state parks came to incorporate both romantic and rationalistic features as people increasingly saw them as places for the passive admiration of the scenery and for play. Nevertheless, state parks were not common.

38. After 1921, the pace of state park creation increased. Park proponents kept recommending new sites for designation, but they often did so to the new National Park Service. The Park Service recognized that many of these recommendations had merit, but they did not rise to the level of national significance so instead of just rejecting the recommendations, it organized the National Conference on Parks to facilitate the designation of these sites protected by the states. The conference transformed the state park movement, stimulating more widespread interest in their creation.

39. Furthermore, the National Park Service developed a plan during the Great Depression to create “a healthier and happier citizenry by developing a nationwide system of state parks. The goal was to ‘cure the ills of society’ by constructing a park within fifty to one hundred miles” of the American populace. And, since a rationalistic park ideology was premier by the 1930s, “one of the primary principles of the plan was to place recreational parks within the reach of every citizen” (Smith, 2013, 207). Working with the Civilian Conservation Corps, the Park Service dramatically increased the number of state parks by building 800 between 1933 and 1942.

40. Hawaii's state parks began to develop at this time. The Hawaii Territorial Planning Board, with the cooperation of the National Park Service, undertook "a comprehensive report on existing and proposed park sites" in 1939, but was never completed (Lombardi, 1959, 5). Ten years later, the Legislature established a "Territorial Park System" that would consist of sites that expressed the values associated with urban and national parks. A Hawaiian park was to be "an area which by reason of location, natural features, scenic beauty or legendary, historical or scientific interest, possesses distinctive physical, aesthetic, intellectual, creative, or social values" (Hawaii, 1949, 56). According to Landrum (2004, 262), Akaka Falls and five other territorial parks were created in 1952 and several more came along in following years. In 1959, the Territorial Planning Office, again with the assistance of the National Park Service, produced a comprehensive state parks proposal entitled, "A Territorial Parks System for Hawaii," which came in response to a 1957 mandate from the Legislature to "plan and recommend means for establishing a comprehensive system of Territorial Parks throughout the Territory for the use and enjoyment of both residents and visitors" (Lombardi, 1959, 5). At the time, the Territory had no "active and effective Division of Parks" and only 13 parks, two "protected areas," two lookouts, two hunting camps and one historical display (Lombardi, 1959, 20, 9). The proposal recommended a program that would complete in 1965 and include

“48 parks, four hunting camps, two museums, one Hawaiian Village, and 51 historic sites.” This expanded system would encompass 56,950 acres, “or roughly nine times the present area for Territorial Parks” (Lombardi, 1959, 23). The outcome, argued the report, would provide Hawaii with parks that provided the same services as state parks elsewhere in the country. “[D]evelop and conserve (or preserve) on a Territory-wide basis, her natural scenic, historical, cultural, and ecological resources for her own people’s needs; and how such resources can be used productively to enhance economic development via the tourist industry” (Lombardi, 1959, 20).

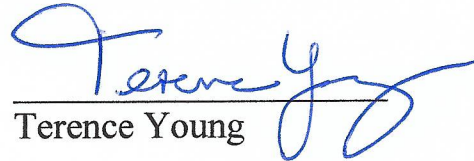
41. While this 1959 proposal clearly noted the value of state parks for ecological protection, ideas concerning the design of state parks along ecological lines to support and restore ecosystems and to indirectly improve the lives of the people who depended on them appeared at different times in different states. However, in some it came to be as important as play and scenery, for example, California, by the 1960s (Engbeck, 1980).

42. For the third time, at no point in my research did I discover any evidence of support for the passive carrying of firearms for self-defense in state parks. Such encouragement would have been inconsistent with romantic and rationalistic ideals and antithetical to the social purpose of state parks as promoted by those ideals.

43. This Declaration is presented in a form that is much different from academic writings. It reflects an accurate recounting of my research and conclusions regarding this historical period and the subject matter discussed. However, given the time constraints at issue in this case, as well as the fact it was prepared in connection to a pending lawsuit, it is not drafted at the level of depth that would be expected for academic writing. This declaration was prepared in approximately one week, so the research was limited to my own office bookshelves and short searches on the internet. If I had more time to travel to libraries and to more thoroughly review primary documents, I would likely be able to frame a more focused case with greater detail. Thus, I reserve the opportunity to supplement this declaration to reflect any additional research or context that may be necessary as this case proceeds.

I certify that pursuant to 28 U.S.C. § 1746 and under penalty of perjury that to the best of my knowledge, information, and belief, the foregoing is true and correct.

Executed on July 13, 2023 at CANBRIA, CALIFORNIA.


Terence Young

Works Cited

Barzun, Jacques. 1961. *Classic, Romantic and Modern*, 2nd Ed., Boston: Little, Brown & Co.

Beecher, Henry Ward. 1869. *Eyes and Ears*, Boston: Fields, Osgood, and Co.

Board of Commissioners. 1858. *Minutes of the Proceedings of the Board of Commissioners of the Central Park, for the Year Ending April 30, 1858*, New York: Wm. C. Bryant & Co.

Boyer, Paul. 1978. *Urban Masses and Moral Order in America, 1820-1920*, Cambridge: Harvard University Press.

City and County of Honolulu, *Park Rules and Regulations*, Chapter 10. 2023. <https://www.honolulu.gov/parks/program/182-site-dpr-cat/3850-cityrules-dpr.html> Accessed July 9, 2023.

City and County of Honolulu, *Revised Ordinances of Honolulu*, Effective March 31, 2023. Cincinnati: American Legal Publishing, <https://codelibrary.amlegal.com/codes/honolulu/latest/honolulu/0-0-0-1> Accessed July 9, 2023.

Cutler, Phoebe. 1989. "State Parks" in *American Landscape Architecture: Designers and Places*, Washington, DC: Preservation Press, 194-199.

Dilsaver, Lary M. 2016a. “An Act Authorizing a Grant to the State of California of the ‘Yo-Semite Valley,’ and of the land Embracing the ‘Mariposa Big Tree Grove.’” Approved June 30, 1864 (13 Stat. 325)” in America’s National Park System: The Critical Documents, 2nd Ed. Lanham: Rowman and Littlefield, 4-5.

Dilsaver, Lary M. 2016b. “An Act to Set Apart a Certain Tract of Land Lying Near the Headwaters of the Yellowstone River as a Public Park, Approved March 1, 1872 (17 Stat. 32)” in America’s National Park System: The Critical Documents, 2nd Ed. Lanham: Rowman and Littlefield, 20-21.

Dilsaver, Lary M. 2016c. “Secretary Lane’s Letter on National Park Management, May 13, 1918” in America’s National Park System: The Critical Documents, 2nd Ed. Lanham: Rowman and Littlefield, 35-39.

Engbeck Jr., Joseph H. 1980. State Parks of California, from 1864 to the Present, Portland: C.H. Belding.

Freeman, Raymond L. 1989. “National Parks” in American Landscape Architecture: Designers and Places, Washington, DC: Preservation Press, 172-175.

Graff, M.M. 1985. Central Park-Prospect Park: A New Perspective, New York: Greensward Foundation.

Hawaii. 1949. “Series A-32: ACT 183-An Act to Establish a Territorial Park System Under the Control and Management of the Board of Commissioners of Agriculture and Forestry; to Define the Functions, Powers and Duties of the Board

Relating Thereto; to Provide for a Territorial Park Fund; Providing Penalties; Amending Sections 6138 and 6768 and Repealing Sections 1964 and 4905 to 4907, Inclusive, of the Revised Laws of Hawaii 1945” in XX:XX, 56-61. ????

Jefferson, Thomas. 1829 (1787). Notes on the State of Virginia, Boston: Wells & Lilly.

Landrum, Ney. 2004. The State Park Movement in America: A Critical Review, Columbia: University of Missouri Press.

Linden-Ward, Blanche. 1989. “Cemeteries” in American Landscape Architecture: Designers and Places, Washington, DC: Preservation Press, 120-125.

Lombardi, Frank. 1959. “A Territorial Parks System for Hawaii: A Report Prepared by the Territorial Planning Office in Cooperation with the Board of Agriculture and Forestry, with the Assistance of the National Park Service.” [Honolulu]: The Office.

Mackintosh, Barry. 2005. The National Parks: Shaping the System, Rev. Ed., Harpers Ferry: Harpers Ferry Center.

McFarland, J. Horace. 1910. “Are State Parks Worth While?” typed manuscript, J. Horace McFarland Papers, Pennsylvania Historical and Museum Commission, Harrisburg.

McFarland, J. Horace. 1912. “Are National Parks Worth While?” typed manuscript, J. Horace McFarland Papers, Pennsylvania Historical and Museum Commission, Harrisburg.

Novak, Barbara. 1995. *Nature and Culture: American Landscape and Painting, 1825-1875*, Rev. Ed., New York: Oxford.

Olmsted, Frederick Law. 1990a (1865). “Preliminary Report upon the Yosemite and Big Tree Grove” in *The Papers of Frederick Law Olmsted, Volume V: The California Frontier, 1863-1865*, VP Ranney, GJ Rauluk, and CF Hoffman, Eds. Baltimore: The Johns Hopkins University Press, 488-516.

Olmsted, Frederick Law. 1990b (1866). “Preliminary Report in Regard to a Plan of Public Pleasure Grounds for the City of San Francisco” in *The Papers of Frederick Law Olmsted, Volume V: The California Frontier, 1863-1865*, VP Ranney, GJ Rauluk, and CF Hoffman, Eds. Baltimore: The Johns Hopkins University Press, 518-546.

Page, Thomas Hyde. 1775. “A plan of the town of Boston with the intrenchments &ca. of His Majesty's forces in 1775, from the observations of Lieut. Page of His Majesty's Corps of Engineers, and from those of other gentlemen.” Washington, DC: Library of Congress:

https://commons.wikimedia.org/wiki/File:Boston,_1775small1.png

Pregill, Philip and Nancy Volkman. 1999. *Landscapes in History: Design and Planning in the Eastern and Western Traditions*, Second Ed. New York: John Wiley & Sons, Inc.

Robinson, Charles Mulford. 1909. *Modern Civic Art; or, The City Made Beautiful*, 3rd Ed., New York: G.P. Putnam's Sons.

Rosenzweig, Roy and Elizabeth Blackmar. 1992. *The Park and the People: A History of Central Park*, Ithaca: Cornell University Press.

Schuyler, David. 1986. *The New Urban Landscape: The Redefinition of City Form in Nineteenth-Century America*, Baltimore: The Johns Hopkins University Press.

Schuyler, David and Turner Censer, Jane, Eds. 1992. *The Papers of Frederick Law Olmsted, Volume VI: The Years of Olmsted, Vaux & Company, 1865-1874*, Baltimore: The Johns Hopkins University Press.

Sellars, Richard West. 1997. *Preserving Nature in the National Parks, A History*, New Haven: Yale University Press.

Smith, Langdon. 2013. "Democratizing Nature Through State Park Development" *Historical Geography* 41: 207-223.

Thacher, D. 2015. "Olmsted's police" *Law and History Review* 33(3): 577-620.

Young, Terence. 1996. "Social Reform Through Parks: The American Civic Association's Program for a Better America" *Journal of Historical Geography* 22(4): 460-472.

Young, Terence. 2004. *Building San Francisco's Parks, 1850-1930*, Baltimore: The Johns Hopkins University Press.

Young, Terence. 2018. "Frederick Law Olmsted's Abandoned San Francisco Park Plan" in *The American Environment Revisited*, Geoffrey L. Buckley and Yolonda Youngs, Eds. Lanham: Rowman & Littlefield, 145-160.

Young, Terence. 2022. "Outdoor Imaginaries: The Emergence of Camping in Modern America" *Mondes du Tourisme* 21:
<http://journals.openedition.org/tourisme/4790>